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MEMORANDUM

TO: Ms. Sharon Newlon REF. NO.: 042192-03

FROM: Garth Daley DATE: July 28, 2006

C.C.: RRG/Clayton Site Technical Committee
P. Harvey
R. Shepherd
B. Schloessler

RE: Status Report #9 for the Resource Recovery Group/Clayton Chemical Company Site

This Status Report is being submitted to the United States Environmental Protection Agency (U.S. EPA) and its designated On-Scene Coordinator (OSC) Kevin Turner in accordance with Section VIII, Condition 19.a. of the Administrative Settlement Agreement and Order on Consent (AOC) for Removal Action for the Resource Recovery Group/Clayton Chemical Soils (RRG/Clayton) Site dated October 28, 2005. The reporting period for this ninth Monthly Status Report is June 26, 2006, through July 21, 2006.

EFFECTIVE DATE

On November 1, 2005, Ms. Sharon Newlon, the acting counsel for the RRG/Clayton Site Potentially Responsible Party Group (the Respondents), received the AOC. In accordance with Section XXVIII, Condition 76 of the AOC, this date represented the Effective Date for the AOC and started the compliance time clock for the Removal Action. Status Report # 8 was submitted to U.S. EPA on July 3, 2006.

Following the submittal of Status Report # 8, a subsequent review of the materials revealed some minor inaccuracies in the presented information. It should be noted that no significant errors in data were discovered, as the discrepancies were either typographical errors or involved activity dates. The discovered errors from Status Report # 8 and its attachments are presented below for review.

- On page 1, paragraph 1, the monthly reporting period was inadvertently presented as May 22 through June 26, 2006. The correct date range should have been May 22 through June 23, 2006;
- In bullet point # 3 on page 2, it was reported that CRA met with a representative of CM2H Hill on June 8, 2006. The correct employer of the representative is CH₂M Hill;
- The dates for Thursday and Friday for the week of June 12, 2006, were incorrectly presented as June 14 and 15, 2006, respectively, on page 2, bullet point # 4. The correct dates are June 15 and 16, 2006, respectively; and
- On page 4, Section 4.1, the start date for the current reporting period was incorrectly given as June 25, 2006. The correct date is June 26, 2006.

1.0 COMPLETED ACTIVITIES

1.1 PRE-MOBILIZATION, MOBILIZATION AND REMOVAL ACTIVITIES COMPLETED TO DATE

The primary Removal Action-related activity that was performed for the RRG/Clayton Site during the reporting period was the continued investigation/development of potential treatment and disposal options for the management of the mixed waste (Resources Conservation and Recovery Act [RCRA] and Toxic Substance Control Act [TSCA]) soils that have been generated from excavation activities at the eastern edge of the EZ 4 Work Zone (see the attached Site map for reference). As detailed in Status Report # 8, The Respondents developed 2 soil management scenarios, which were presented to U.S. EPA on June 9, 2006. Subsequently, a supplemental data submission was provided to U.S. EPA on June 23, 2006, and three conference calls were held (on June 26, 2006, June 28, 2006 and July 5, 2006) in response to the June 14, 2006, preliminary response from U.S. EPA to the proposal. On July 13, 2006, OSC Kevin Turner submitted a formal response to the June 9, 2006, soil management proposal submitted by The Respondents in which he presented three (3) primary conditions that The Respondents were asked to agree with or respond to in writing. Subsequently, The Respondents prepared a reply, which was forwarded to OSC Turner on July 20, 2006. In this reply, The Respondents clarified their positions on the treatment of soils, the extent of proposed capping, and closure and post closure capping obligations.

Other activities completed during the reporting period included waste shipment, stockpile maintenance and groundwater sampling.

A weekly summary of activities appears below.

- During the week of June 26, 2006 (June 26 – 30, 2006), BISCo and CRA were on Site from June 29 to 30, 2006 to complete soil stockpile maintenance and waste shipment activities. Following a conference call on Monday, June 26, 2006, OSC Turner forwarded Site photographs taken by IEPA Mike Grant documenting exposed soil stockpiles at the Site. Subsequently, BISCo and CRA mobilized to the Site on June 29, 2006 and began to re-install protective plastic sheeting on soil stockpiles as needed. This activity was completed on Friday, June 30, 2006 prior to BISCo demobilizing from the Site.

CRA was also able to coordinate with Veolia Environmental Services (formerly Onyx Environmental Services) to perform waste shipment activities during the planned Site visit. Based on previously submitted waste characterization data for materials at the Site, Veolia approved six additional waste streams for disposal at the Trade Waste Incinerator (TWI) facility located just west of the Site. On Thursday, June 29, 2006, BISCo completed the loading of a total of 59 drums (4 waste streams) into a trailer that had been previously mobilized to the Drum Waste Storage Building (Drum Building) at the Site for the purpose of shipping drums off site for disposal. The drums were subsequently labeled and transported to the TWI on Friday, June 30, 2006. Drums and containers containing other wastes that had been approved for disposal at other Veolia facilities were also labeled for future shipment;

- For the week of July 3, 2006, on Site activities consisted of waste shipment and groundwater sampling activities, while research and waste shipment coordination efforts continued as off site activities throughout the week. The Respondents submitted Status Report # 8 to U.S. EPA via electronic mail in

July 3, 2006. On July 5, 2006, CRA mobilized to the Site to perform groundwater sampling activities with URS, and to facilitate the shipment of waste materials from the Site. Among the materials shipped offsite on July 5, 2006, were a roll off box containing bulked granular carbon, a 40-pound steel overpack drum containing recovered mercury and mercury-containing devices, 6 Gaylord boxes containing overpacked waste characterization samples from the Drum Building, and a total of 29 55-gallon drums with the former contents of tanks 20 and 45. CRA and URS collected a sample from monitoring well MW-4D on July 5, 2006. Groundwater sampling was completed on July 6, 2006, with samples being collected from wells MW-4M and MW-4S. Prior to demobilizing from the Site, CRA also performed stockpile maintenance activities by placing plastic sheeting over exposed portions of soil stockpiles;

- During the week of July 10, 2006, no onsite activities were performed at the RRG/Clayton Site. Project-related activities completed during the week involved the continued research into disposal and treatment alternatives to address the mixed RCRA/TSCA soils, continued efforts to arrange for the disposal of the remaining non-soil wastes at the Site, and the submittal of the appropriate notification for Out Of State hazardous waste disposal to the Wisconsin Department of Natural Resources (WDNR).

The overpack drum containing the recovered mercury and mercury-containing waste from the Site was transshipped from the TWI facility in Sauget, IL to the Veolia Control Waste facility in Menomonee Falls, WI on July 11, 2006. This material transfer was done to allow the TWI facility to comply with the conditions of its 10-day interim storage program for these materials, as U.S. EPA approval of the Veolia Port Washington, WI facility was pending. Similarly, the Gaylord boxes containing the waste characterization samples were also transported to the Control Waste facility pending U.S. EPA approval of the Veolia Port Arthur, TX facility. On July 13, 2006, OSC Turner informed The Respondents, via e-mail, that the Veolia Port Washington, WI facility had been certified as an approved mercury disposal site. In another July 13, 2006, e-mail, OSC Turner informed The Respondents of his/U. S. EPA's formal response to the June 9, 2006 soil management proposal, requesting a written reply within seven days. On Friday, July 14, 2006, The Respondents submitted the appropriate notification of waste shipment for the mercury-containing materials, including the Transportation and Disposal Plan developed for the materials, via e-mail, to WDNR; and

- From July 17 through 21, 2006, activities related to the completion of the Solids Removal Action centered on the development of the response to OSC Turner's July 13, 2006, soil management proposal response letter. The developed response was submitted via e-mail on July 20, 2006. On Friday, July 21, 2006, The Respondents were informed that the Gaylord boxes with the waste characterization samples would be shipped back to the TWI facility, potentially being returned to the Site pending certification of the Veolia Port Arthur, TX facility as an approved disposal facility.

Additional details of the completed activities, including Site maps, are provided in the form of the Weekly Summary Reports that are included as Appendices to this report. Those reports are presented as follows: Appendix A - Weekly Summary of Site Activities for June 26- 30, 2006; Appendix B - Weekly Summary of Site Activities for July 3 - 7, 2006; Appendix C - Weekly Summary of Site Activities for July 10- 14, 2006; and Appendix D - Weekly Summary of Site Activities for July 17 - 21, 2006.

1.2 SAMPLING AND ANALYSIS

BISCo secured Environmental Quality Industrial Services (EQIS) to serve as the primary waste sampling, material analysis/laboratory, and waste disposal subcontractor for this Removal Action project. However,

due to issues with analytical turn-around time (TAT), the Respondents requested that Severn Trent Laboratories (STL) of St. Louis, Missouri be allowed to replace RTI Laboratories of Livonia, Michigan (RTI) as the laboratory of record for the Removal Action. This request was approved by OSC Turner on April 20, 2006.

For the reporting period, no samples directly related to the Solids Removal Action activities were collected at the RRG/Clayton Site. However, a total of four (4) groundwater samples were collected on June 29, 2006 (sample collected from well MW-4D) and June 30, 2006 (wells MW-4M and MW-4S were sampled) by CRA. A duplicate sample was collected from well MW-4M for quality assurance purposes. Additionally, trip blanks were collected and submitted for VOC analysis on each day. This sampling was completed as part of the observation of URS personnel sampling the three (3) groundwater monitoring wells installed at the Site from June 12 through 14, 2006 as part of the ongoing investigation activities being completed by the Sauget Area 2 PRP Group and U.S. EPA.

After reviewing the intended parameter list from URS for the groundwater samples, The Respondents decided to analyze the split samples for a limited analyte list. The chosen parameters for the split samples and the associated U.S. EPA analytical methods are VOCs (EPA Method SW-846 8260), SVOCs (EPA Method SW-846 8270), Target Analyte List (TAL) metals (EPA Method SW-846 6020 and 7470A [mercury]) and polychlorinated biphenyls (PCBs) (EPA Method SW-846 8082). The collected samples were delivered to the STL St. Louis facility for analysis.

CRA received electronic copies of the analytical reports from the collected samples on July 17, 2006. A summary table presenting the reported data (detected compounds only) is included with this Status Report for review. Additionally, copies of the analytical reports from the samples are provided as Appendix E of this Status Report.

1.3 REMOVAL ACTION WORK

Several actions have been undertaken towards completing the Removal Action at the RRG/Clayton Chemical Site during the reporting period. The more significant completed actions were discussed above in Section 1.1 of this report. Additional details of the activities performed are presented in the Weekly Activity Summaries included as Appendices A through D of this report.

2.0 ENCOUNTERED PROBLEMS, RESOLUTIONS, AND ANTICIPATED PROBLEMS

The excavation of known impacted soils along the eastern edge of the Site has led to the generation of an unexpected waste stream. Analytical results from soil samples collected from the stockpiled materials indicate the chemicals are present in concentrations that exceed the threshold values for RCRA hazardous materials and TSCA materials. There are a limited number of permitted Treatment, Storage, and Disposal Facilities (TSDFs) that will handle these mixed waste streams, and, as such, attempts by the Respondents to arrange for disposal of these materials have been delayed.

The Respondents prepared and submitted a proposal to U.S. EPA for the management of this waste based on the findings of BISCO and CRA. On June 9, 2006, the proposal was submitted via e-mail to U.S. EPA for evaluation. The initial response from U.S. EPA to the proposal was a request for additional information to

be provided in support of the presented remedial costs submitted via e-mail on June 14, 2006. A series of conference calls were held to further discuss the presented soil management options on June 26, June 28, and July 5, 2006. Additionally, a supplement data package with option costing information was submitted to U.S. EPA on June 23, 2006. On July 13, 2006, OSC Turner submitted the formal U.S. EPA response to the proposal to The Respondents in which a written reply was requested. That reply was submitted by The Respondents on July 20, 2006. No subsequent response was received from U.S. EPA during the reporting period.

The waste classification issue first mentioned in Status Report #7 (should the excavated soils be afforded a F-code hazardous waste designation) was resolved on June 29, 2006. Following the submission of CRA's interpretation/opinion of the applicability of 40 CFR 261 to the materials in question, EQ agreed via e-mail that the excavated Site soils should not be classified as F-code waste primarily because the generation date of the PCB impact could not be determined to have taken place after the regulation was enacted. A copy of the e-mail presenting this decision is attached as Attachment F.

No additional problems or issues are anticipated for the upcoming period.

3.0 ANALYTICAL DATA GENERATED/RECEIVED

As stated previously, analytical results were received for the groundwater samples collected on July 5 and 6, 2006. A summary table presenting the names and concentrations of detected analytes from the four collected samples is included with this report. The analytical reports for these samples are enclosed as Appendix E.

4.0 ANTICIPATED ACTIVITIES FOR UPCOMING REPORT PERIOD

4.1 SITE PLANS

During the upcoming reporting period (July 24, 2006, through August 18, 2006), the following activities are anticipated:

- Tank cleaning and demolition activities will be completed. The contents of Tank G8 will be transferred to the appropriate shipping container for final disposal;
- The remaining drummed materials at the Site will be segregated, composited, and processed for off-Site disposal in accordance with the analytical results from the collected waste characterization samples;
- A mutually agreed to soil management protocol will be selected by U.S. EPA and the Respondents;
- The selected soil management protocols will be initiated at the Site and appropriate tasks will be performed;
- The shipment of materials off-Site for disposal will continue; and
- Miscellaneous Site cleanup and restoration activities will be completed, as needed, based on the progress of the remaining removal activities.

4.2 SAMPLING AND ANALYSIS

Post-treatment soil sampling activities are anticipated during the upcoming reporting period. As needed, samples will be collected to determine the effectiveness of the select soil management treatment processes required by the selected protocol. Additionally, waste characterization samples may need to be collected prior to off-Site shipment of select waste streams. Where applicable, these collected samples will be collected in accordance with the Removal Action Work Plan and the QAPP, and then submitted for chemical analysis. Based on the results from these samples, an appropriate response will be determined and completed accordingly.

Dependent on the treatment technology selected, appropriate personnel will perform the majority of the sampling activities to determine completion of the selected protocol and the subsequent analysis of the confirmatory and waste characterization samples will be performed by STL St. Louis.

4.3 REMOVAL ACTION WORK

Among the activities expected to be performed and/or completed during the upcoming report period are the assembly of hazardous wastes; soil management activities; waste characterization and disposal activities; and the initiation of Site restoration activities. An anticipated schedule for these activities appears below.

5.0 ANTICIPATED SCHEDULE

<i>Activity</i>	<i>Duration (business days)</i>	<i>Expected Start Date</i>
Install Stormwater Control Measures	As needed/ongoing	July 24, 2006
Continue Tank Sludge Disposal	Ongoing/30 days	July 24, 2006
Continue Characterization of Drum Wastes/Drum Processing	Ongoing/30 days	July 24, 2006
Continue Assembly of Site Wastes For Offsite Shipment	Ongoing/30 days	July 24, 2006
Initiate Approved Mixed Waste Management Solution	30 days	To be determined

<i>Activity</i>	<i>Duration (business days)</i>	<i>Expected Start Date</i>
Submit Status Report # 10	1 day	August 28, 2006
Initiate Site Restoration Measures	As needed/ongoing	September 1, 2006

Attachments